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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,678	02/22/2002	Wilfrid LeBlanc	13328US01	2731

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EXAMINER
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SINGH, RAMNANDAN P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 04/23/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/081,678

Applicant(s)

LEBLANC, WILFRID

Examiner

Ramnandan Singh

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,11-18,22-29,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,11-18,22-29,33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

**ELECTION OF SPECIES**

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Claims 7, 18, 29 are directed to a dual-tone multiple-frequency (DTMF) detector, as shown in Fig. 7,

Species II: Claims 8, 19, 30 are directed to a call progress detector, as shown in Fig. 7,

Species III: Claims 9, 20, 31 are directed to a call discriminator, as shown in Fig 7, and

Species IV: Claims 10, 21, 32 are directed to an automatic gain control, as shown in Fig. 7.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

3. applicant's response file on February 09, 2004 confirmed the election of Species I containing claims 7, 18, 29. As a result, claims 8-10, 19-21, and 30-32 are withdrawn by the Applicant.

***Response to Amendment***

4. Applicant's amendment filed on February 09, 2004 is objected to because of the following informalities:

"Applicant's submits this paper in response to the final Office Action mailed on December 19, 2004" on page 1.

This statement is in error, because this paper is in response to the non-final Office Action mailed on December 19, 2004.

Appropriate correction is required.

***Response to Arguments***

5. With the finding of new art, new grounds of rejection are made. Further, Applicant's arguments filed on February 09, 2004 have been considered but are moot in view of the new ground(s) of rejection.

6. **Status of Claims**

Claims 6-10 are amended.

Claims 1-7, 11-18, 22-29, 33-34 are pending.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7, 11-18, 22-29, 33, 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabenko et al [US 20010033583 A1].

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Rabenko et al teach a method of processing communication signals in a communication system shown having a detector (1080) shown in Fig. 30, for detecting a parameter of a communication signal, comprising steps of:

(a) receiving a communication signal ( 1060(a)) with a non-linear processor (NLP) (1072) adapted to detect the communication signal and to decide to enter an active state based on a detected parameter of the signal;

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(b) communicating to the detector (1080) whether the NLP is active or inactive;  
and

( c) if the NLP is active, disabling a processing step of the detector [Fig. 30; Para. 0240; 0241, page 26].

Claims 11, 22, 33 are essentially similar to Claim 1 and are rejected for the reasons stated above.

Claim 34 is also essentially similar to Claim 1 except for a plurality of detectors. These detectors are shown in Fig. 30.

Regarding Claims 2, 12, 23, see [Para. 0241; 0254].

Regarding Claims 3-5, 13-14, 16, 24-25, 27, see [Figs. 19; 20; 10A; Para. 0237; 0238; 0241].

Regarding Claims 6, 17, 28, Rabenko et al teach multiple detectors including DTMF (1076), call progress detector (1077) [Fig. 30].

Regarding Claims 15 and 26, Rabenko et al teach an echo canceller (1070) [Fig. 30].

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Regarding Claims 7, 18, 19, Rabenko et al teach using a DTMF detector 1076 to determine whether or not there is a DTMF signal present at the near end [Fig. 30; para. 0244].

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (703)308-6270. The examiner can normally be reached on M-F(8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester Isen can be reached on (703)-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh  
Examiner  
Art Unit 2644

